

Regular Second Appeal No. 2757 of 2006.

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Regular Second Appeal No.2757 of 2006.

Date of decision: 04.12.2006

State of Haryana and Ors.

..... Appellants.

Versus

Ram Parkash Sangwan

..... Respondent.

CORAM: HON'BLE MR. JUSTICE P.S. PATWALIA

Present:- Mr.Ashish Kapoor, Additional A.G. Haryana

Mr. Rajesh Sheoran, Advocate
for the respondent.

P.S. PATWALIA, J. (ORAL)

The present Regular Second Appeal has been filed by the defendants State of Haryana against the concurrent findings recorded by the Courts below decreeing the suit filed by the plaintiff and allowing interest at the rate of 12% per annum from 07.01.1998 to 28.09.2001 on delayed payment of revised pension .

When notice of motion was issued the following order was passed on 24.07.2006:-

“Learned counsel for the appellants submits that the respondent- plaintiff would not be entitled to interest from 07.01.1998 upto 17.03.2000 for the reason that he only submitted his pension papers for the first time on 17.03.2000.”

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Learned counsel for the appellant has drawn my attention to para 11 of the judgment of the lower appellate Court and contended that the plaintiff applied for revision of pension only on 17.03.2000 and even that form was not complete. Therefore he submits that even if interest was liable to be paid at best it could be granted only from 17.03.2000 up to 28.03.2001 when the payment was made.

Learned counsel for the respondent on the other hand has sought to rely para no.14 of the instructions bearing No. F.D. Hr. No. ½(8)/98-2 FR II (Part IV) dated 13.01.2000. A reading of the paragraph relied upon by learned counsel for the respondent itself shows that it is only on receipt of application from the pensioners that the State is made responsible to get the pay fixed expeditiously. A reading of the instruction thus clearly makes out a case that interest could not have been granted from a date prior to the date of the application. The judgment of the courts below is therefore modified. It is directed that the petitioner shall be entitled interest only from 18.03.2000 onwards.

The regular second appeal is allowed and the judgments and decrees of the Courts below are modified in the aforesaid terms.

December 04 , 2006
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(P.S. PATWALIA)
JUDGE